

empt any person from compliance with all other provisions of this code or the building codes nor from any penalty prescribed by law.

*7-4-03. Purpose for exceptions.*

It is necessary to amend the fee schedules in the adopted codes so that the Master Fee Schedule adopted by Resolution of the Belmont City Council is enforceable as the guide for all building division fees.

(Ord. No. 754, § 2, 11-12-86; Ord. No. 838, § 2, 1-8-91; Ord. No. 899, § 1, 12-18-95; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

**Sec. 7-5. Recordation of a notice of violation.**

(a) Whenever the building official has knowledge of a violation of the provisions of the codes herein adopted by reference he may provide a notice of intent to record a notice of building code violation to the owner of the property upon which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the building official. The notice shall state that, within twenty (20) days of the date of the notice, the owner may request a meeting with the building official to present evidence that a violation does not exist.

(b) In the event that a meeting is not requested within the required time period and the violation has not been corrected, or in the event that, after consideration of evidence, the building official determines that a building code violation in fact exists, the building official may record a notice of building code violation in the office of the county recorder.

(c) At the written request of any affected property owner, the building official shall issue a notice of expungement of building code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at their expense. (Ord. No. 838, § 2, 1-8-91; Ord. No. 899, § 12-18-95; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

**Secs. 7-6—7-10. Reserved.**

**ARTICLE III. PROPERTY DEVELOPMENT STANDARDS\***

**Sec. 7-11. All-weather access to premises prerequisite to issuance of building permit.**

(a) No building permit shall be issued to construct any building or improvement unless the site of the proposed building or improvement has access to a street or road which provides all-weather ingress and egress to public safety vehicles, including but not limited to fire protection, police and ambulance services.

(b) This section shall not apply to applications for building permits to make alterations or improvements to an existing building.  
(Ord. No. 630, § 3, 6-26-78)

**Sec. 7-12. Determination of geotechnical hazards; geotechnical reports; procedure for review; geologic hazards in San Juan Hills area.**

(a) Prior to the issuance of a building or grading permit, the building official shall ascertain whether the proposed site, or portion thereof, is located in an area of potential geotechnical hazard as defined in the text and maps of the adopted seismic safety element of the Belmont general plan. If a site meets any one of the following criteria, it shall be considered to have potential geotechnical hazards which warrant further, more specific recommendations:

- (1) The site is located on a mapped active, potentially active or inactive fault;
- (2) The site is located in an area where the following are generally known to exist:
  - a. Expansive soils;
  - b. Moderate to low stability of cuts;
  - c. Fair to poor earthquake stability;
  - d. Fair to poor foundation conditions;
  - e. High susceptibility to landsliding.

\*Editor's note—See the editor's footnote at the beginning of this chapter.



- (3) The site is located in an area where, in the opinion of the building official based upon his knowledge of the conditions in the area, potential geological hazards may exist which could adversely affect the proposed development or surrounding public and private improvements. In making the decision as to whether a site may have potential geotechnical hazards, the building official shall refer to the adopted seismic safety element of the Belmont general plan and may refer to such other published and unpublished documents, including but not limited to the maps and reports of the U.S. Geological Survey, "San Francisco Bay Region Environment and Resources Planning Study."

(b) Should the site, or area to be affected by the development, fall within the above categories, the applicant shall submit a preliminary opinion from a registered soils engineer as to the degree of hazard associated with the proposed development and recommendations where further studies are needed. Should said soils engineer recommend further investigations or studies, they shall be prepared prior to the issuance of a building permit. Any geologic reports submitted to the building official in compliance with this section shall be transmitted to the city geologist, who shall review and provide comments and recommendations upon the adequacy of said report. When the city geologist has determined that the report and recommendations are adequate, said recommendation shall be incorporated into the development plan and specifications, and adherence to those recommendations shall be a condition of the building permit. Such

decision shall be subject to review and approval by the city planning commission.

(c) Nothing contained in this section shall require the submittal of a geologic report where an adequate geologic report has been previously prepared, submitted and accepted by the City of Belmont. Determination of report adequacy shall be made by the building official, who may seek the advice of the city officials in making said determination.

(d) *Geologic Hazards in San Juan Hills Area.* The city council recognizes that geologic hazards threaten life and property in certain locations in the city. It is the intent of the city council that land subject to hazardous geologic conditions be used and developed in a manner that protects public health, safety and welfare. The city council has obtained geologic maps based on study of aerial photographs, field investigations and other available geologic studies which portray the geologic conditions of the San Juan Canyon Study Area with considerable accuracy. Given this level of information, the city council finds it appropriate to adopt these maps and related land use policies to guide all decisions to which they are relevant.

(1) *Purpose.* The purposes of this subsection are:

- a. To prevent increases in the potential for loss of life, injury and property damage caused by geologic hazards in the San Juan Hills Area.
- b. To specify geologic maps which will serve as a consistent basis for evaluating development applications in the San Juan Hills Area.
- c. To control land development in the San Juan Hills Area in a manner consistent with known geologic conditions.
- d. To protect the city from liability from failure to consider available geologic information in making development decisions.

(2) *Applicability.* This subsection shall apply to all properties shown on the Engineering Geology Map and Ground Movement Potential Map as the San Juan Canyon Study Area. Actions under the zoning, subdivision and grading ordinances shall be consistent with the provisions of this subsection.

(3) *Adoption of geologic maps.* The city hereby adopts the Engineering Geologic Map (April 1985) and Ground Movement Potential Map (April 1985) prepared at a scale of 1" = 200' by William Cotton and Associates as official geologic maps for the San Juan Hills Area.

(4) *Modification of geologic maps.* Further study may indicate the need to modify the geologic maps by adjusting the boundaries between map units. Modifications can be made as follows:

- a. An applicant, property owner, or authorized representative of a property owner may initiate proceedings to modify the geologic maps.
- b. Documentation of the reasons for modification consisting of map at a scale of 1" = 200' or larger and a report prepared by a certified engineering geologist shall be submitted with all applications for geologic map modification.
- c. The city geologist shall review all such applications and prepare a written report to the planning and community development department containing his or her findings and recommendations. The modification may be approved by the planning and community development director if the city geologist finds: 1) that new information has been provided which demonstrates that the existing boundary is inaccurate; and 2) that the proposed change will correct and update the map.
- d. Decisions by the planning and community development director may be appealed by the applicant to the city council.
- e. Modifications to the maps may be initiated by the city council upon recommendation of the city geologist. In such cases, the city council will hold a noticed public hearing on the proposed modification. Following the public hearing, the city council may modify the maps, if the city geologist finds: 1) that new information has been provided which demonstrates that the existing boundary is inaccurate; and 2) that the proposed change will correct and update the map.

f. Changes to the maps will be posted within thirty (30) days of approval of a map modification. Each change will be identified on the map by date, file number or other means of identification determined appropriate by the planning and community development director.

(5) *Maintenance of maps and records.* The planning and community development department shall be responsible for maintaining the geologic maps and records of actions modifying the maps. Up-to-date maps and copies of geologic and geotechnical reports will be kept at city hall in the planning and community development department.

(6) *Geologic criteria for development.* Table 1 establishes the land use restrictions based on geologic hazards which will apply in

considering applications for building and grading permits, rezoning, formation of assessment districts, and divisions of land within the San Juan Hills Area where:

- a. *Residential uses* include all single-family and multiple-family residential structures and accessory structures, including garages and driveways, which are permitted or conditional uses in residential districts.
- b. *Roads* include both public and private rights-of-way.
- c. *Intensive and critical uses* include schools, churches and uses with comparable occupancy characteristics; and structures and facilities critical to the city's ability to respond to a disaster or maintain an acceptable level of public safety, such as fire stations and water tanks.

**Table 1. Geologic Criteria for Development**

Symbol	Geotechnical Parameters	Land Use		
		Residential Uses	Roads	Intensive/ Critical Uses
Sbr	Bedrock with thin soil	Y	Y	Y
Sun	Unconsolidated sediment	Y	Y	Y*
Sex	Highly expansive soil	Y*	Y	Y*
Sff	Fill on nearly flat ground	Y*	Y*	Y*
Pfs	Potential settlement or failure of fill on a moderate slope	Y*	Y*	N*
Ps	Potential shallow (-10') landslide failure	Y*	Y*	N*
Pd	Potential deep (+10') landslide failure	N*	N*	N*
Ms	Actively moving shallow (-10') landslide failure	N*	N*	N*
Pdf	Potential debris flow movement	N	N*	N
Md	Actively moving deep land- slide (+10')	N	N	N

Y Yes (permitted)

Y\* The land use would be permitted, provided geologic data indicates geologic conditions and/or engineering solutions are favorable.

N\* The land use would not be permitted unless geologic data indicates geologic conditions are more favorable than mapped or engineering solutions will reduce the risk to acceptable levels.

N No, the use is not permitted. The map must be changed to show that this hazard does not exist before development will be allowed. The map change must be based on geologic data showing that the map was in error or that improvements have been undertaken which remove the hazard.

(7) *Exceptions to the geologic criteria.* Exemptions to the geologic criteria may be authorized by the city under the following circumstances:

- a. *Alterations to existing structures.* The building official shall issue a building permit for alteration to an existing structure rated Y\*, N\*, or N in table 1 without requiring additional geologic or geotechnical investigation, if the alteration will not modify the structure's foundation. If the alteration will modify the structure's foundation, the application shall be referred to the city geologist, who shall specify any geologic or geotechnical investigations needed before a building permit can be processed.
- b. *Construction of accessory structures and appurtenances.* The building official shall issue a building permit for the construction of accessory structures and appurtenances, including garages, decks, swimming pools, gazebos and other such structures, which are not intended for living space, on lots with an existing primary use and rated as Y\*, N\* or N on table 1, if the city engineer finds, based on available information, that the construction will not endanger the stability of the site or any adjacent property. If information is not available to permit such a finding, the city engineer shall refer the application to the city geologist, who shall specify any geologic or geotechnical investigations needed before a building permit can be processed.
- c. *Repair or reconstruction of a damaged building.* The building official shall issue a building permit for the repair or reconstruction of any building which is rated Y\*, N\*, or N in table 1 and is more than fifty (50) percent destroyed by causes other than ground movement, if the city engineer finds, based on available information, that the repair or reconstruction will not significantly endanger the stability of the site or any adjacent property. If information is not available to permit such finding, the city engineer shall refer the application to the city geologist, who shall specify any geologic or geotechnical in-

vestigations needed before a building permit can be processed.

- d. *Other exceptions/planning commission consideration and action.* An application for any project (building, rezoning, land division, formation of an assessment district, road construction, or grading) which deviates from the criteria in table 1, other than those specified in a, b and c above, must be submitted to the department of planning and community development and accompanied by a geotechnical report or engineering geologic report prepared according to a scope of work approved by the city geologist. The city geologist shall review the report and submit findings and recommendations to the department of zoning and planning and community development. The application shall be considered by the planning commission, which may approve the application upon recommendation of the city geologist.

- (8) *Preparation and review of geologic and geotechnical reports.* All geologic and geotechnical reports will be prepared in conformance with guidelines available from the city. Reports submitted in support of site improvements will contain a statement of a California certified engineering geologist that proposed projects, as designed, will be reasonably safe for geologic hazards. The city geologist will review all reports. For a project to be approved, the city geologist must find that the proposed project would not significantly endanger the stability of the site or any other property. Recommendations of the city geologist will become conditions for any development which is approved. The applicant's geologist will inspect work in progress to ascertain adherence to the conditions and certify the completed project as conforming to the approved plans. (Ord. No. 630, § 3, 6-26-78; Ord. No. 794, § 2, 5-24-88)

### Sec. 7-13. Streets required.

(a) Prior to the issuance of a building permit for the construction of any building, the building official shall ascertain that the proposed site is adjacent to and served by streets that are improved to current city

standards adopted by resolution of the city council and adequate for the use proposed for the structure for which the permit is sought. When the building official needs assistance in determining the improvement and adequacy of a street, he shall consult with the city engineer. In the event that such streets do not meet such current city standards, the permit may be issued upon the dedication of a right-of-way where necessary and the execution of an agreement to install such improvements as are determined by the city engineer to be necessary in a manner satisfactory to the city engineer prior to occupancy. Such agreement shall be secured by a bond in an amount sufficient to cover the estimated costs of such improvements. The city engineer may recommend that the bond be waived when, in his opinion, circumstances make such waiver desirable, and that the agreement be recorded with the county recorder to secure the future construction of the improvements.

(b) As used herein, "construction of any building" shall mean the construction of a new residence in an R-1 zone; in any other zone it shall mean the construction of a new building or an addition of twenty-five (25) percent or more of the square footage on an existing building, provided that in no case shall improvements be requested in excess of the estimated cost of the addition or when an addition to a single-family residence will not alter its use as a single-family residence.

(c) In cases where there are extraordinary conditions affecting the property, the planning commission shall have the right to modify the strict application of this section. In such cases, the applicant shall request an informal hearing before the planning commission, and if after such hearing the commission finds that by following the strict letter of this section, unreasonable restrictions, unnecessary and extraordinary hardship or damage will be imposed upon the applicant, then the provisions hereof may be modified, in harmony with the general purpose and objectives hereof and in a manner that will protect the public health, safety and welfare of the people of the city.

(d) The decision of the planning commission may be appealed to the city council by any person adversely affected by such decision by filing a notice of the appeal with the

city clerk within ten (10) days after the action by the commission is taken. The city council shall proceed to hear and determine the matter, considering the action of the planning commission.

(e) *Hillside Road Standards - San Juan Hills.*

(1) *Purposes.* The purposes of this chapter [subsection] are to:

- a. Provide for safe movement of vehicles and pedestrians in the San Juan Hills.
- b. Minimize grading and vegetation removal in constructing roads in the San Juan Hills by controlling the grade, widths of rights-of-way and paving, and other design and construction features.
- c. Allow flexibility in setting standards to prevent erosion, flooding and slope failure, and to minimize the environmental impacts of road construction.

(2) *Applicability.* The standards in this chapter [subsection] shall apply to:

- a. Design and construction of all new public and private roads and road extensions in the area covered by the San Juan Hills Area Plan.
- b. Improvement of all or part of any road designated as "unimproved" in the San Juan Hills Area Plan.
- c. Roads designed and constructed as part of a new subdivision or resubdivision in the San Juan Hills.
- d. Rebuilding or upgrading of existing improved roads in the San Juan Hills.
- e. These standards shall not apply to routine maintenance and repair of public or private roads in the San Juan Hills.
- f. In case of conflict with other city regulations, these standards shall prevail.

(3) *Definitions.* The following definitions pertain to terms used in this chapter [subsection]:

- a. *Cross slope* is the inclination of the ground surface across a road alignment expressed as a percent obtained by dividing vertical distance by horizontal distance. Cross slope is measured along a hundred-foot section drawn perpendicular to the contours and extending fifty (50) feet from each side of the center of the road alignment.
- b. *Cul-de-sac* is a street open at only one end with a turnaround at the other.

- c. *Emergency road* is a one-lane, all-weather road passable by emergency equipment. An emergency road is not considered adequate access for purposes of section 7-11.
- d. *Improved road* is any paved, two-lane road in the San Juan Hills which is not shown on figure 2 of the San Juan Hills Area Plan as "unimproved."
- e. *Paper road* is an unbuilt right-of-way as shown on figure 2 of the San Juan Hills Area Plan.
- f. *Paved width* is the total width of road improvements, including traffic lanes, parking lanes, gutters, curbs and sidewalks.
- g. *Private road* is any right-of-way which has not been accepted by or on behalf of the city as a public road.
- h. *Public road* is any right-of-way which has been dedicated to the City of Belmont and accepted by or on behalf of the city as a public road.
- i. *Road improvement plan* is a plan prepared pursuant to paragraph (10)a) or (10)b) of this subsection for the improvement to the standards contained herein of an unimproved road or road segment in the San Juan Hills Area.
- j. *Traffic lanes* are the portion of a public or private road consisting of paved lanes for vehicular travel.
- k. *Turnaround* is a space in a public right-of-way or a private road large enough to permit the turning around of a large vehicle, particularly a firetruck. It may take various configurations, including, for example, a circle, bulb, or hammer-head.
- l. *Unimproved roads* are paper roads and unpaved substandard roads as shown on figure 2 of the San Juan Hills Area Plan. There are fourteen (14) unimproved roads in the San Juan Hills: Upper Lock, Lower Lock, Marburger, Bartlett, Marsten (between Bishop and San Juan), Marsten (between Christian and Green Court), Naughton, Alhambra, Monte Cresta, San Ardo, Green Court, East Laurel (between Marsten and San Juan), East Laurel (between Marsten and Adelaide), and Ralston frontage road.
- m. *Unimproved road segment* is the part of an unimproved road between an ex-

isting paved road and an area through which the road cannot be reasonably extended because of severe physical constraints such as geologic instability or excessive slope. The length of an unimproved road segment is limited by the cul-de-sac standards set forth in paragraph (7) of this subsection.

(4) *Standards for hillside roads generally.*

- a. All roads shall be designed to adequately handle the traffic of proposed development and constructed to engineering standards acceptable to the director of public services.
- b. All roads shall be designed and constructed to provide adequate ingress and egress for emergency services vehicles.
- c. Sight distance, curve radii, access to abutting properties, and intersections of all hillside roads shall be designed to accepted engineering standards as determined by the director of public services.
- d. All new hillside roads shall be located and designed to minimize grading.
- e. Curbs and gutters will be designed to meet drainage requirements as determined by the director of public services.
- f. Where sidewalks and on-street parking are provided on only one (1) side of a road, they shall be on the same side unless the director of public services determines that traffic safety requires separation.
- g. The maximum grade of a hillside road will be fifteen (15) percent. When supported by detailed engineering studies, the director of public services may approve a grade of up to eighteen (18) percent for a distance not to exceed one hundred (100) feet.
- h. Utilities shall be underground, according to utility company specifications and standards, prior to paving new roads.
- i. Cul-de-sacs shall be no longer than eight hundred (800) feet with a turnaround radius of thirty-two (32) feet. Longer cul-de-sacs and smaller turnarounds may be permitted by the authority approving a road improvement upon the recommendation of the director of public



services based on consultation with the fire chief and specific evaluation of the following:

1. Availability of a through connection via an emergency road.
2. Number of lots/houses/occupants to be served by the cul-de-sac.
3. Type of construction of buildings (e.g. fire-retardant roofs and siding, interior sprinklers).
4. Water pressure and availability of a secondary water main.
5. Proximity to fire station and hydrant.
6. Street width.

(5) *Width standards for hillside roads.*

- a. The right-of-way shall be wide enough to accommodate all required improvements, including earth retention systems.
- b. Public utility easements shall be provided on both sides of the road. The easements generally shall be five (5) feet wide with variations as appropriate to meet the specific utility requirements.
- c. The basic hillside road shall have two (2) traffic lanes, and gutters, curbs, parking lanes and sidewalks on both sides of the road for a paved width of forty-one (41.0) feet as shown in table 1.

Table 1: Paved Width of Hillside Roads

<i>Paved Element</i>	<i>Minimum Width</i>
Traffic lanes . . . . .	20.0' (two 10-foot lanes)
Gutters . . . . .	3.0' (1.5' each side)
Curbs . . . . .	1.0' (0.5' each side)
Parking lanes . . . . .	11.0' (5.5' each side)*
Sidewalks . . . . .	6.0' (3.0' each side)**
Total width . . . . .	41.0'

\* Effective width is 7.0' per side including 1.5' gutter.

\*\* Effective width is 3.5' per side including 0.5' curb.

- (6) *Elimination of sidewalks and/or parking lanes.* When necessary to meet the purposes of this ordinance [subsection], the width of a proposed hillside road or road segment may be reduced by eliminating sidewalks and/or parking lanes in the following order:

- a. Sidewalk on one side.
- b. Sidewalk and parking lane on one side.
- c. Sidewalks on both sides and parking lane on one side.

Changes in total width shall be at least one hundred (100) feet apart within a single road improvement project. The administrative or legislative body with authority to approve the road improvement shall be guided by table 2 in determining when to permit elimination of sidewalks and/or parking lanes.

Table 2: Hillside Road Width Related to Cross Slopes

<i>Cross Slope*</i>	<i>Traffic Lanes</i>	<i>Curbs and Gutters</i>	<i>Parking Lanes</i>	<i>Sidewalks</i>	<i>Total Width</i>
20% or less	20'	2' both sides	5.5' both sides	3' both sides	41.0'
21%—30%	20'	2' both sides	5.5' both sides	3' one side	38.0'
31%—40%	20'	2' both sides	5.5' one side	3' one side	32.5'
41%—50%**	20'	2' both sides	5.5' one side	none	29.5'

\* Cross slopes should be calculated from a detailed engineering topographic map prepared by a registered civil engineer or licensed land surveyor according to specifications required for a grading plan (section 9-25). The calculations should be made in the following manner:

1. If the proposed road improvement is 100 feet long or less, cross slopes shall be calculated at the beginning, midpoint and end, and averaged.
2. If the proposed road improvement is over 100 feet long, cross slopes shall be calculated at least every 50 feet and averaged for each 100 foot segment.

\*\* Road construction is not normally permitted where the cross slope exceeds 50% unless detailed engineering evaluation demonstrates that safe, stable construction is possible.



(7) *Exceptions.* Exceptions to any of the hillside road standards may be granted by the administrative or legislative body approving the road improvement project upon recommendation of the director of public services based on consultation with the fire chief and appropriate engineering evaluations. To grant an exception, the approving body must make all of the following findings:

- a. Granting the exception will not unduly impair vehicular or pedestrian safety, or emergency access.
- b. Granting the exception will result in road improvement which is consistent with the San Juan Hills Area Plan and other city ordinances.
- c. Reducing the standard is necessary to avoid excessive grading or vegetation removal or to reduce the risk of erosion, flooding or slope failure.

(8) *Authorization of right-of-way width of less than forty feet.* This section [paragraph], when adopted by a four-fifths vote of the city council, authorizes the director of public services to approve plans for hillside roads with rights-of-way narrower than forty (40) feet as required by section 1805 of the California Streets and Highways Code, when those roads will be constructed in accord with the standards set forth in this ordinance [subsection].

(9) *Improvement plans for unimproved roads.* To ensure adequate emergency access, public safety, and drainage improvements, the city requires an approved road improvement plan prior to granting a building permit for a new structure or enlargement of an existing structure on property accessible only from an unimproved road. The road improvement plan specifies the design and financing of road improvements for an entire unimproved road or unimproved segment on which the property is located. The plan must be submitted by property owner(s) to the director of public services along with a fee set by resolution of the city council. Two (2) types of plans are permitted.

- a. A plan for an entire unimproved road which shall include:
  1. A plan for grading prepared by a registered civil engineer meeting specifications set by the director

of public services. The plan must provide sufficient detail to show clearly the extent and impact of proposed grading, including the limits of the area to be graded; locations, dimensions and slopes of cuts and fills; existing and proposed finished grade; location and heights of proposed retention systems; proposals for drainage and erosion control.

2. Design for road improvements meeting the standards of this ordinance [subsection].
3. Report signed by a licensed geotechnical engineer, based on geologic and geotechnical investigation of the alignment and review of the preliminary design, concluding that the proposed road will be geologically stable as per section 7-12(d).
4. Details of proposed method of financing road improvements, such as assessment district, reimbursement agreement or other mechanism.
5. Timetable for undertaking the road improvements.
6. Method of financing and plan for maintenance of the road, if it is to be maintained as a private road.
7. Estimation of need for on-street parking and mean of providing it (such as parking bays and additional off-street parking), if the proposed road design does not include parking lanes on both sides.
8. Topographic map showing how access can be provided to abutting properties.
9. Evidence of support for the project from owners of property abutting the road proposed for improvement.
10. Environmental checklist and other required environmental data.
11. If the proposal is for a cul-de-sac, a conclusion, supported by the fire chief, that the proposed cul-de-sac length and turnaround design are adequate for emergency services.

or:

- b. A plan for an unimproved road segment between an existing paved road and an area where physical constraints, such

as very steep slopes or geologic instability, effectively preclude construction of a through connection. The plan shall include all items required in a plan for an entire unimproved road, plus:

1. A report signed by a licensed geotechnical engineer concluding that the physical constraints are such that a stable road cannot be reasonably constructed through to a paved road. The report must describe the specific constraints precluding a through road and evaluate the impacts and costs of methods of overcoming the constraints through removal or engineering solutions.
2. A plan with recommendations regarding access to properties abutting the part of the road which will not be improved under the proposed project, including evidence of support for the recommendations from affected property owners.

(10) *Adoption of a road improvement plan.* A plan for improvement of an unimproved road or road segment must be considered at a public hearing held by the planning commission. Written notice of the hearing shall be mailed to owners of record of all parcels abutting the proposed road or road segment. The planning commission shall make a recommendation to the city council regarding each finding listed below. Final action on a road improvement plan shall be taken by the city council. In adopting a road improvement plan, the city council must make all of the following findings:

- a. The road improvement plan is consistent with the purposes and policies of the San Juan Hills Area Plan; and
- b. The proposed project provides for safe vehicular and pedestrian movement; and
- c. The road has been designed to minimize grading and vegetation removal to the extent feasible; and
- d. Drainage, erosion control and slope stability have been fully addressed in the design of the road improvements; and
- e. The applicants have demonstrated that adequate financing is available to construct and maintain the road as proposed; and

- f. Access to abutting properties has been adequately considered in the design of the road improvements; and
- g. If the project is for a cul-de-sac, the length and turnaround design are appropriate and consistent with emergency access requirements.
- h. If the plans is for an unimproved road segment, the city council must have all of the above findings, plus:
  1. A stable, safe, through road cannot be reasonably constructed because of physical constraints; and
  2. Recommendations for access to properties abutting the part of the road which would be improved under the plan are reasonable and consistent with the purposes and policies of the San Juan Hills Area Plan.

(11) *Authorization for construction.* Prior to any grading, vegetation removal or other construction activity pursuant to an approved road improvement plan, the applicant must submit a final grading plan and engineering drawings and specifications to the department of public services. The director of public services shall issue an authorization to proceed after reviewing the final plans and making the following determinations:

- a. The applicant has entered into an agreement with the city to complete the improvements at the applicant's expense and adequate security to ensure performance has been posted with the city as specified in Government Code, chapter 5, section 66499 through 66499.10 (Subdivision Map Act); and
- b. Recommendations made by a licensed geotechnical engineer are fully incorporated into the road design; and
- c. Proposed grading is consistent with the purposes and standards of chapter 9, "Grading"; and
- d. Satisfactory provision has been made for storm drainage and extension and undergrounding of utilities.

(12) *Reimbursement agreements.*

- a. *Purpose.* The city council may establish within the areas to which the hillside road regulations are applicable to

provide for reimbursement agreements for the purpose of achieving the equitable sharing of new roadway and public utility extension cost among benefiting properties pursuant to an approved hillside road improvement plan.

- b. *Application for reimbursement agreement.* An application for a reimbursement agreement may be made simultaneously with the application for the approval of a hillside road improvement plan or after approval of the plan but prior to the construction of the approved hillside roadway and/or public utility extensions. Provided, however, that an application for a reimbursement agreement may be made for any road construction project and extension of public utilities commenced prior to August 20, 1990. The application shall be accompanied by the following:

1. A completed application on a form prepared by the director of community development and the processing fee established by resolution of the city council.
2. A proposed or approved hillside road improvement plan.
3. A list of benefiting properties together with the names and addresses of the owners of the properties as shown on the last equalized assessment roll.
4. A description of the benefits to be conferred on each of the benefiting properties.
5. Development cost estimates for each component of the proposed improvements.
6. A description of the method used to apportion the cost of the improvements and a statement explaining why the proposed method is the most equitable, what alternate methods were considered, and why the alternate methods were not used.
7. The proposed portion of the cost of improvements to be assigned to each benefiting property.
8. Stamped envelopes addressed to each benefiting property owner.
9. An independent estimate of construction costs prepared by a con-

sultant selected by the city and paid for by the applicant.

10. Such other information as may be required by the city.

*Reimbursement agreement upon approval.* When a subdivider, land developer, person or persons is required to provide a hillside road improvement plan and/or the construction of said hillside road together with other improvements which will benefit other properties to be developed under the provisions of this chapter, the city shall, upon recommendation of the city engineer and approval of the city council, enter into an agreement with the subdivider, land developer, person or persons for the recovery of that portion of the cost of said hillside road improvement plan and improvements which benefit properties not owned or controlled by the subdivider, land developer, person or persons. The agreement may, but shall not necessarily, provide for payment to the subdivider, land developer, person or persons an amount attributable to interest as the council may direct. The reimbursement agreement shall contain at least the following provisions:

1. The city shall be obligated to make reimbursements to subdivider or land developer only when and as the city obtains funds from benefiting property owners as such benefiting property owners eventually improve their property.
2. Any funds paid by benefiting property owners to the city need not be paid over to the subdivider or land developer until the limitations period for instituting court action to seek a refund of such funds paid under protests has passed, and no court action has been instituted; in the event court action is instituted, the city shall not pay over such funds to the subdivider or land developer until the court action has been finalized and the authority of the city to collect such charges has been sustained.

3. The city shall have the right to turn over the defense of any action seeking refund of amounts paid under protest to the subdivider or land developer; if the subdivider or land developer fails to undertake the defense of the action at the subdivider's own expense, the city may stipulate to return of the funds so paid under protest by or on behalf of the owner or owners of any such benefiting property, and the city shall not be further obligated to subdivider or land developer as to any such funds so refunded. In the event a court action is maintained to prevent the city from collecting such funds from benefiting property owners, the city shall have the right to turn over the defense of that action to the subdivider or land developer, who shall agree to hold the city harmless from any and all liability thereunder; in the event the subdivider fails to undertake defense of the action at subdivider or land developer's sole expense, the city may stipulate to cease collecting such funds, or enter into any other settlement of the litigation acceptable to the city, and subdivider or land developer shall lose any right to reimbursement under the reimbursement agreement.
4. The reimbursement agreement shall provide for reimbursement of all funds less cost incurred by the city, when and as collected, without interest, unless the council otherwise determines. Under no circumstances shall the city be deemed liable for any funds not so collected from benefiting property owners.
5. It shall be the responsibility of the person(s) to be reimbursed to keep the city apprised of said person(s) address during the term of this agreement. In the event the city is unable to locate the developer at the time that any fees are actually collected, the city shall hold such fees for the benefit of the developer or its successor or assignee for a period of three (3) years. Upon the expiration of the three year period, any fees not reimbursed to said person(s) shall escheat to the city and the city shall be free and clear of any obligation to said person(s).
6. No building permit shall be issued for property that has been assigned a pro rata share of the cost of preparing a hillside road plan and the cost of constructing the road and other improvements until the cost allocated to the property as its share of said cost has been paid. Said cost may be paid at any time prior to issuance of the building permit.
7. The city shall deduct from the reimbursement cost when collected any and all cost and expense incurred by the city for the administration and enforcement of the reimbursement agreement. Said cost and expenses are deemed to be the cost and expense of the applicant.
8. A description of each of the properties benefited by the hillside improvement plan and/or the construction of said hillside road together with other improvements.
9. The length of time the agreement is to remain in effect as determined by the city council.
- d. *Report from city engineer.* Prior to entering into a reimbursement agreement pursuant to this chapter [subsection], the city council shall receive a report from the city engineer describing in detail the entire area which is benefited by the improvements and recommending the apportionment of the costs of such improvements based upon the benefit to such property. The apportionment of benefit shall be on the basis of frontage upon such improvements, acreage served by such improvements, or any other formula rationally related to actual benefit. The city council may approve the report as submitted, or modify the report, and the action of the city council thereon shall determine the



benefit to each piece or parcel of property outside the subdivision or single parcel to be developed benefited by such improvements, establish the amount or amounts to be charged such properties, and direct the method of collection of the costs of such improvements. The action of the city council shall be final.

- e. *Determination of benefit.* In determining the benefit to each piece or parcel of property, the city council shall, unless consent of all affected property owners is filed with the city, hold a public hearing thereon and give notice by mail to property owners of record who would be affected by such determination, and provide to all such property owners an opportunity to appear and be heard upon the proposed determination of benefit and method of apportioning of costs thereof. Notices shall be sent to affected property owners of record as shown on the last equalized assessment roll at least thirty (30) days prior to the hearing. Any action by the city council under this chapter shall be taken only at a regular or special meeting of the city council for which public notice has been given as required by the Ralph M. Brown Act, as amended.
- f. *Audit of project costs.* Upon completion of the construction of the hillside road and other improvements which are the subject of the reimbursement agreement, an audit of the plan preparation and construction costs shall be performed by a consultant selected by the city and paid for by the subdivider, land developer, person or persons who are parties to the reimbursement agreement, to verify the total cost of plan preparation and construction. If the costs are less than originally determined for the purpose of determining benefit and allocation of the cost, the city manager may administratively reduce the pro rata allocation of costs to be collected to reflect the audited cost.
- g. *Recordation of agreement.* The reimbursement agreement approved by the city council shall be recorded in the official records of the County Recorder of the County of San Mateo. (Ord. No. 630,

§ 3, 6-26-78; Ord. No. 800, § 2, 7-12-88; Ord. No. 833, § 1, 9-25-90)

**Sec. 7-14. Survey of property prerequisite to issuance of building permit.**

- (a) No person shall obtain a permit for the construction or substantial enlargement of

any building in the city unless and until such applicant shall declare in writing under penalty of perjury that no tree has been removed or caused to be removed on the lot or parcel where the work is to occur in violation of chapter 25 of this Code, and shall furnish to the building official, together with the application for a building permit, a survey of the lot or parcel of property described in such application, prepared by a licensed engineer or surveyor, indicated by a map of such survey on which shall be delineated:

- (1) The exterior boundary lines of the lot or parcel of land;
- (2) The location of the setback lines applicable to such property;
- (3) The true corners of the property, all of which shall have been marked or designated upon such lot or parcel of property by stakes, pipes or other monuments of a permanent character;
- (4) The location of all trees, any trunks of which have a circumference of nineteen (19) inches, or more, measured at twenty-four (24) inches above ground level;
- (5) The topography of the lot or parcel of property, with elevation intervals of not over five (5) feet specifically related to fixed and recoverable local benchmarks;
- (6) The location of all existing structures and improvements, and an indication of all structures and trees intended to be removed, altered or relocated; all information of which must have been prepared within the preceding two-month period.

(b) Whenever a subdivider has a licensed engineer to assist the contractor or purchaser in having buildings to be constructed conform to the setback lines required on each lot or parcel, and the property corners are marked properly on each lot or parcel, the building official may waive the requirement of a separate survey and plat of each such lot or parcel in a subdivision.

(c) In the event that trees are removed or caused to be removed by the owner of said lot or parcel, or by the agent, employee or

contractor of said owner in violation of chapter 25 of this Code, no building permit shall be issued except upon such conditions as may be prescribed by the city manager, in writing, to mitigate the damage to the environment caused by the removal of said tree or trees.

The decision of the city manager may be appealed to the city council by filing a written application of the city clerk within ten (10) days of the city manager's decision.

(d) An application for a demolition permit shall be accompanied by a plot of the property drawn to scale and showing the location and circumference at twenty-four (24) inches above the ground of all trees. A permit for the removal of trees is required under chapter 25 of this Code. (Ord. No. 630, § 3, 6-26-78)

#### **Sec. 7-15. Garages and parking.**

Every set of plans submitted for a building permit shall show parking or garage space complying with the requirements of the zoning ordinance of the city in effect at the time such plans are submitted.

No certificate of occupancy shall be issued by the building official until the required garage and parking has been constructed. A covered carport may be considered as complying with garage space. (Ord. No. 630, § 3, 6-26-78)

#### **Sec. 7-16. Driveway or vehicle ramp.**

Every garage space or parking space shall have access provided by means of a driveway or vehicle ramp complying with the zoning ordinance and city specifications. The portion of any driveway or vehicle ramp on city rights-of-way shall not exceed a grade of one-fourth inch to one foot unless determined otherwise by the city engineer or his designated representative. Driveways or vehicle ramps on private property shall conform to the following:

- (a) Shall have a hard paved surface of concrete cement or asphaltic concrete.
- (b) Shall have a grade up or down not exceeding eighteen (18) percent, except that the building official may authorize

a twenty (20) percent grade where, in the discretion of the building official, topography makes eighteen (18) percent impracticable, or when a variance for a steeper driveway is granted by the planning commission.

- (c) Shall be located so as to provide a driveway not less than eighteen (18) feet in length entirely on private property, measured along its shorter side, unless a variance is granted by the planning commission.
  - (d) A plan and profile of the driveway shall be submitted to the building department for approval, and inspection is required prior to paving.
  - (e) Variance applications shall be in conformance with the zoning ordinance.
- (Ord. No. 630, § 3, 6-26-78)

#### **Sec. 7-17. Grading for drainage.**

(a) Grading shall be performed around every building so as to provide a slope away from the building with a minimum grade of one-half inch per foot for a distance of at least thirty (30) inches from the building. If the grade on the exterior edge of any building is higher than the grade beneath any portion of the building, some means of draining liquid substances from under the building shall be provided, such as drain tile or exterior grading to a point lower than the exterior grade of the building.

(b) Drain tile and the proper sealing of subsurface basement walls shall be required to protect buildings from damage by moisture or drainage of liquid substance.

(c) When, in the opinion of the building official, site drainage may cause moisture damage to a building, a waterproof membrane may be required under concrete slabs and slab reinforcement may be required.

(d) All runoff from improved surfaces shall be collected and piped into the city storm drain system or disposed of as approved by the administrative authority.

(Ord. No. 630, § 6-26-78; Ord. No. 754, § 3, 11-12-86; Ord. No. 838, § 3, 1-8-91; Ord. No. 899, § 1, 12-18-95)

#### **Sec. 7-18. Sewer backflow prevention.**

When sanitary sewer laterals, pipes or piping serve fixtures within a building and any floor on which fixtures are located is below the level of the top of the nearest upgrade or upstream manhole of the main sewer, they shall be protected from the backflow of sewage by the installation of an appropriate number of approved type backwater valves. The backwater valves shall be accessible for inspection and repairs and unless continuously exposed by suspension inside the building shall be enclosed in a watertight masonry pit fitted with a removable cover.

(Ord. No. 630, § 3, 6-26-78)

#### **Sec. 7-19. Sewer lateral cleanout.**

When a main sewer is located in the street, alley or easement, there must be provided a cleanout brought up flush with the sidewalk level next to the curb; and if no curb or sidewalk exists, then the cleanout must be located inside the lot line. Riser shall be of cast iron, the same size as the drain it serves, brought up to the level of the ground by a wye and branch fittings, and top of same to be provided with a regulation brass cleanout. If the sidewalk space mentioned is entirely concrete, then a cast-iron sidewalk box, with loose cover fitted with brass screws, shall be installed. The maximum size for a cleanout plug shall be four (4) inches.

(Ord. No. 630, § 3, 6-26-78)

#### **Sec. 7-20. Reserved.**

### **ARTICLE IV. CONSTRUCTION REGULATIONS**

#### **DIVISION 1. BUILDING CODE**

#### **Sec. 7-21. Adopted; exceptions; purposes for exceptions.**

*7-21-01. Adopted.* The California Building Standards Code, California Code of Regulations, Title 24 (CCR, T-24), incorporating the latest editions of the model codes, and amendments and modifications thereto, entitled Administrative, Fire and Life Safety and Field Inspection Provisions, Vol-